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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,234	11/21/2001	Torbjorn Boson Lundqvist	21532-301	2349

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EXAMINER

ALLEN, ANDRE J

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/990,234	LUNDQVIST, TORBJORN BOSON
	Examiner	Art Unit
	Andre J. Allen	2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on amndt filed 9-16-02.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

6) Other: \_\_\_\_\_

## DETAILED ACTION

1. Acknowledgment is made of the amendment filed 9-16-02.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,5,6,7,8,9,18-21 is rejected under 35 U.S.C. 102(b) as being anticipated by Ballyns. Ballyns teaches the basic features of the claimed invention for example;

In claim 1 a housing 12 having a first pressure chamber 38, a second pressure chamber 40, and a flexible membrane 36, wherein said first and second pressure chambers are separated by a flexible membrane {abstract}; and

a signaling means 64 located within said housing, wherein said signaling means emits a warning signal when a pressure within the first pressure chamber is greater than a pressure within the second pressure chamber. {abstract}

In claim 5 said housing further includes at least one battery {col. 6 lines 60-64}.

In claims 6 and 7 said flexible membrane is a conductive substance {col. 6 lines 21-22}.

In claim 8 said signaling means is coupled to a printed circuit board {fig. 2}.

In claim 9 said signaling means is selected from the group consisting of a light emitting diode (LED), a speaker, a radio frequency (RF) transmitter, and a infrared (IR) transmitter. {col. 7 lines 1-25} (claims 9 and 21)

In claims 18 and 21 attaching said tire pressure monitoring device to a tire valve {col. 10 lines 20-30}; calibrating said tire pressure monitoring device; Monitoring a pressure differential between said tire pressure monitoring device and an air pressure of said tire; and  
Emitting a warning signal when said pressure differential exceeds a predetermined pressure differential. {col. 8 lines 24-65}

In claim 19 allowing air from said tire to enter a counter-pressure chamber of said tire pressure monitoring device and sealing {col. 5 lines 54-60} said counter-pressure chamber.

In claim 21 said warning signal may be a signal selected from the group consisting of a light, a sound, a radio frequency (RF) wave, and an infrared (IR) light.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4,11-17,24 ,25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballyns in view of Chi.

Ballyns teaches the basic features of the claimed invention for example ;

In claim 13 at least one battery. {col. 6 lines 60-64}

In claim 14 said warning signal may be a signal selected from the group consisting of a light, a sound, a radio frequency (RF) wave, and an infrared (IR) light.

In claim 15 said flexible membrane is a conductive substance {col. 6 lines 21-22}.

In claim 16 said flexible membrane is a conductive substance that is at least a metal or rubber.

In claim 17 means for sensing a pressure differential {col. 8 lines 24 -25}

However Ballyns does not disclose;

In claims 2-4,11 and 24 a transparent lens, a screw cap that couples the lens to a housing and a gasket.

In claims 22 and 23 removing the device to ensure the device is properly working, adding air to a tire and then reattaching the monitoring device.

Chi discloses a tire monitoring apparatus comprising;

- A transparent lens {abstract} that is threaded 22 to be coupled to a housing.
- A gasket 7
- A housing that is attached to a tire valve or air nozzle {abstract}

With respect to claims 22 and 23 removing the device to ensure the device is properly working, adding air to a tire and then reattaching the monitoring device, it would have been obvious to one having ordinary skill in the art at the time the invention was made to disclose these features since the cited prior art at least teaches the feature of being able to be removed to add air and they are in the field of monitoring tire pressure it would be quite suggestive to observe the operation of a tire monitor once it is removed from a tire valve.

With respect to the use of a conductive gasket, since the cited prior art Ballyns in view of Chi teach the use of a gasket and an electrical assembly it

would be clearly suggestive to modify the gasket taught by Chi to be conductive for the purpose of operating with electronic components.

Since the references of Ballyns and Chi are both from the same field of endeavors, the purpose disclosed by Chi would have been recognized by the pertinent art of Ballyns.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the tire monitoring apparatus taught by Ballyns with a transparent lens and a gasket as taught by Chi for the purpose of creating a tire monitoring apparatus that operates at optimum performance from the exterior of a tire.

*Response to Arguments*

3. Applicant's arguments filed 9-16-02 have been fully considered but they are not persuasive.

In response to the applicants argument that the cited prior art does not teach a housing coupled to a valve is clearly taught in the Ballyns reference {col 8 lines 29-30}.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the device of the present invention "does not have to be pressurized) and (a flexible membrane not permeable to air) are not

recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to a conductive gasket and non-conductive gasket is discussed in the above action, it would have been clearly obvious to one having ordinary skill in the art at the time the invention was made to use a conductive gasket or non-conductive gasket, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416.

*Conclusion*

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing

date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre J. Allen whose telephone number is 703-3081989. The examiner can normally be reached on mon-fri 8:00-4:30.

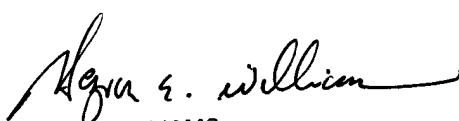
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 703-305-4705. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3432 for regular communications and 703-308-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



A.J.A

December 13, 2002



Hezron Williams  
HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
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